

Libby Community Advisory Group

Meeting Summary

September 28, 2000

Introductions

Gerald Mueller and Libby Community Advisory Group (CAG) members present introduced themselves. A list of the members in attendance is attached below as Appendix 1.

Agenda

Mr. Mueller reviewed an agenda for this meeting including the following topics:

- CAG Letters
- EPA Report
- ATSDR Report
- St. John's Hospital Report
- County Report
- County Advisory and Planning Board Proposal
- Schedule

CAG Letters

Gerald Mueller passed out copies of sample letters mailed on the GAG's behalf to Alan Stringer, Montana's Congressional delegation, Lincoln County's state legislative delegation, Lincoln County, and the City of Libby. The CAG directed these letters to be sent via motions approved at its September 12, 2000 meeting. The letter to Mr. Stringer requested that W.R. Grace cooperate with all due haste to allow EPA access to the screening plant area to remove asbestos-contaminated soil and to the mine to carry out cleanup activities and dispose of asbestos-contaminated soils and debris that is being removed from the area around the screening plant. The other letters requested that the recipient assist in convincing W.R. Grace to provide EPA the access it seeks.

CAG Member Comment - The same letter sent to the Congressional delegation should have been sent to Governor Racicot. Representative Paul Clark whose House district includes southern Lincoln County should also have been sent a letter.

Response - Letters will be sent to Governor Racicot and to Representative Clark.

EPA Report

Wendy Thomi on behalf of EPA reported on the following subjects.

Ambient Air Monitoring

EPA has conducted ambient air monitoring at five locations in Libby: the Fitness Center, Jerry Dean Park, City Hall, and Plummer and McGrade Schools. No asbestos fibers have been detected at these five locations. EPA is also monitoring ambient air at the perimeter of the clean-up sites. Some fibers have been detected, but concentrations measured are at lower levels than before the cleanups began.

Indoor Air Monitoring

Because the risk assessment is not concluded, EPA cannot answer the question, "Is my house safe?" We expect the protocol for new analytical techniques that will be used in the assessment, such as scanning electron microscopy, to be approved by the end of October. A peer review of the risk assessment methodology will be underway by the end of November. Contrary to some press reports,

EPA and the U.S. Department of Health and Human Services (HHS) both remain concerned about short-term exposure to asbestos in the air.

Cleanups

A minor amount of excavation work remains at the screening plant. A felt layer will be placed at the bottom of some of the excavations before they are refilled with uncontaminated soil. If EPA is not granted access to the Kootenai Development Properties adjacent to the screening plant site by October 18, 2000, then clean up of these properties will be delayed until next year. Concerning the export plant site, the move of the Burnetts should be completed by the end of the week of October 2.

W.R. Grace Letter

On September 27, Alan Stringer responded on behalf of W.R. Grace to the CAG letter which requested W.R. Grace to cooperate with all due haste to allow EPA access to the screening plant area to remove asbestos-contaminated soil and to the mine to carry out cleanup activities and dispose of asbestos-contaminated soils and debris that are being removed from the area around the screening plant. A copy of Mr. Stringer's letter is attached below as Appendix 2. EPA will respond in writing to Mr. Stringer's letter and will address the following points:

- Chemicals contamination of the soil EPA proposes to dump at the mine site - As a result of detailed interviews with the Parkers, EPA is aware that horticultural chemicals were used on the site. However, they were stored in containers and were not broadcast over the soil. EPA did not, therefore, expect the soil to be contaminated by these chemicals and did not conduct soil tests for them. W.R. Grace raised this issue to EPA for the first time only last week. EPA will now conduct soil testing for contamination by the horticultural chemicals at both the Parker's property and the mine site.
- Safety of clean-up workers - This issue has not been raised at other Superfund sites. EPA takes measures to protect its workers and those of its contractors. EPA expects that W.R. Grace will bear the costs of these worker protections.
- Access to screening plant properties - EPA has access to and is cleaning up the screening plant site. EPA offered W.R. Grace the opportunity to clean this site, but Grace refused to sign the voluntary agreement and the Parkers subsequently denied access to W.R. Grace to their property so EPA is conducting the cleanup and will bill W.R. Grace for the cost of doing so. W.R. Grace has denied EPA access to three KDC properties adjacent to the screening plant. If access is not granted by October 18, then cleanup of these properties will be delayed until next year.

CAG Member Question - Did EPA fail to reach agreement with W.R. Grace about a voluntary cleanup of the export site because W.R. Grace wanted to keep the buildings and EPA wanted to demolish them?

Answer - No. The status of the buildings was only one issue. EPA could not accept the clean-up plan submitted by W.R. Grace for the export plant site for several reasons including technical, financial and legal concerns. EPA was therefore forced to order W.R. Grace to conduct the cleanup.

CAG Member Question - What is the status of the criminal investigation of W.R. Grace?

Answer - The ongoing clean-up activities in Libby are part of a civil rather than criminal investigation. EPA onsite and community involvement staff are not involved in criminal investigations. Information about EPA criminal investigations can be obtained by calling Mark Measer at (303)312-6945.

CAG Member Comment - W.R. Grace has withdrawn its offer to the City of Libby to purchase the export plant site.

Audience Comment - Someone, perhaps EPA, should compile a registry of the names and addresses of

Libby residents who want to get rid of the vermiculite insulation in their houses, so that a cost estimate can be made and provided to each resident for removing the insulation. The list should also specify those residents who are remodeling their homes and those residences and businesses that have insulation leaking into their home or business.

Response - EPA will look into how such a registry might be compiled. EPA does not remove home insulation and is concerned that its keeping such a list might create the erroneous expectation that the agency will do so. The County Environmental Health agency volunteered to compile this registry. EPA will inquire into whether it can pass to the County Environmental Health agency information it has identifying housing containing vermiculite insulation.

CAG Member Comment - W.R. Grace should pay for removing vermiculite insulation, but the company's position is, prove that it is dangerous and we'll remove it.

CAG Member Comment - The committee planning for the expenditure of the \$8 million appropriated by the Congress to the City of Libby should set aside some funding to remove vermiculite insulation, particularly from homes with small children.

Response - The CAG discussed requesting the \$8 million committee to do so, but a motion putting the CAG on record making such a request failed.

CAG Member Question - Has EPA decided whether it will provide the funding that the CAG requested at its last meeting to support the survey proposed by the Economic Development Council to determine the extent of the damage to the local economy cause by the asbestos problems?

Answer - EPA does not yet have a response to the CAG's request.

ATSDR Report

Dan Strausbaugh reported on behalf of ATSDR, and addressed the following topics.

Follow-up on August 24 CAG Questions

- Changes to the medical screening process - ATSDR will be talking with the state about the transition to the second round of screening.
- ATSDR release of preliminary medical screening data - The screening results will be analyzed in batches, and a summary of the results of each batch will be released after its analysis is completed. Batch data should be interpreted with caution because each batch is only a portion of the entire data. The first batch will include results for 140-150 individuals.
- Summary of the objectives, programs and activities under discussion for short, intermediate and long-term medical and mental health care treatment for Libby - Dr. Falk reported at last week's conference that ATSDR remains committed to working with the community, local agencies, the state and other federal agencies to identify health effects, prevent exposure and resolve long-termed health effects associated with exposure to asbestos contaminated vermiculite in Libby. In addition to the medical screening program, ATSDR has identified other possible public health activities in Libby to accomplish these objectives:
 - a) Environmental sampling and recommendations;
 - b) Registries;
 - c) Epidemiological and clinical investigations;
 - d) Community environmental health education;
 - e) Health care provider education; and
 - f) Health care delivery - ATSDR's mandate does not allow us to provide medical diagnosis or treatment, but we will work w/other health agencies (federal and State) to facilitate that happening.

Also at the conference, Dr. Sloan, HHS Regional Health Administrator emphasized that information obtained from the medical screening program could provide the documentation necessary to help identify long-termed medical care resources for Libby

Medical Screening

No additional appointments for medical screening will be made after October 20, and the first round of screening will end on November 2. Anyone who wasn't screened in the first round should call the 800 number to get on the list for future screening. The first batch of results will be mailed to participants at the end of the first week of October. Letters will first be mailed to the participant's physicians and then to the participant. The letters will explain the screening results but will not include any diagnoses.

As of the week ending September 23, 4,696 people have been screened and the total appointments made were 5,908. An additional 68 appointments have been made for people living in Elko, Nevada.

CAG Member Question - What will the letters contain?

Answer - People screened were notified immediately if screening indicated disease (lung or other). The letters will explain the screening result for people who were not immediately notified. The letters will make a referral to a private or ATSDR physician for information.

CAG Member Comment - It would be beneficial to ATSDR if it would bring a draft letter to the CAG for its review and comment.

Response - We will arrange to have the CAG review a draft letter.

CAG Member Question - When will ATSDR release preliminary screening results to the public?

Answer - Results for the first batch of individual screenings should be available by October 6.

CAG Member Question - You mentioned that batch data should be interpreted with caution. When will ATSDR be able to make a definitive analysis of the all of the screening data results?

Answer - A solid scientific analysis will not be available until three to six months after all the medical testing data are analyzed.

CAG Member Question - You mentioned that people with serious disease detected by the screening were immediately notified. What percentage of the people screened received this immediate notification?

Answer - We will arrange to get this information to the CAG. However, these numbers will include lung and other disease and/or pre-existing disease

CAG Member Comment - ATSDR should advertise the October 20 last date for making a screening appointment for the first round of screening through both the newspapers and the local radio stations.

Response - This suggestion is a good one, and we will forward the request to ATSDR staff in Atlanta

CAG Member Question - When will the second round of medical screening begin for people who didn't participate in the first round?

Answer - We don't have a date set yet.

CAG Member Comment - We will do a better job in the second round if we wait to begin it until we have analyzed the results of the first round.

Response - That is correct. By analyzing the first round we will understand better who is at risk for asbestos-related disease.

CAG Member Comment - Dr. Whitehouse has already diagnosed some 300 Libby people with asbestos-related diseases. People he diagnosed were excluded from the screening. The results of Dr. Whitehouse's work should be incorporated into the analysis of the first round of the medical screening.
Response - This request will be forwarded to ATSDR staff in Atlanta for response

CAG Member Comment - Libby people need financial help to pay for medical treatment of asbestos-related diseases now, not at some future date.

*** CAG Action**

CAG members present voted unanimously to approve a seconded motion to request that Senators Baucus and Burns seek federal funds immediately for Libby people who need financial support to obtain treatment for asbestos-related disease. The CAG facilitator was directed to write to the two Senators on the CAG's behalf with this request. CAG members George Bauer and Clinton Maynard will review a draft letter before it is sent.

CAG Member Comment - CAG members should also write similar individual letters to Senators Baucus and Burns.

CAG Member Comment - A staff person in Senator Baucus' Kalispell office has agreed to provide a chronology of the efforts of Senator Baucus on behalf of Libby and to update the chronology monthly.

ATSDR Administrative Support

Mr. Strausbaugh concluded his report by stating that as of October 10, ATSDR will be hiring a full-time administrative support person in Libby and as of October 20 will combine its Libby office with the Libby EPA Information Office.

St. John's Hospital Report

Rick Palagi reported on behalf of the Hospital. He began by congratulating Wendy Thomi and Diana Hammer for last week's conference. He also expressed appreciation to Robin Redman and Bob Dedrick for their willingness to share publically their experience as victims of asbestos-related disease. Mr. Palagi stated that the Hospital is still seeking experts to draft a medical plan. He also said that Dr. Sloan is diligently seeking federal support for long-term medical treatment for Libby people with asbestos-related disease. In particular, Dr. Sloan is examining designating the Libby community as one or more of the following categories which would allow federal funding support: a Health Professional Shortage Area, a Medically Under Served Area, and a Medically Under Served Population. Mr. Palagi reported that the Hospital is prepared and able to conduct the screening in a future second phase of the medical screening program. Finally, he stated that the contractor for the W. R. Grace medical plan, Health Network of America (HNA), has refused to pay the entire hospital bill for patients participating in the plan. A total of about \$800 for five to seven patients combined remains unpaid to the Hospital. Discussions with HNA are continuing about the unpaid bills.

CAG Member Question - Can the CAG review the hospital bills to see what HNA is not paying?

Answer - Yes, consistent with privacies concerns.

CAG Member Comment - HNA's payment for prescription drugs has been very good.

CAG Member Question - Must claims be submitted first to Medicare and then to HNA for the W.R. Grace plan?

Answer - We don't have an answer now.

CAG Member Question - Has the protocol for the use of cat scans in the medical screening been finalized?

Answer - The protocol should be completed soon. We are feeling better about the likelihood that the protocol for cat scan use will be liberalized rather than restricted further. Senator Baucus found funding to allow the use of cat scans for people with marginal x-rays and a significant asbestos exposure history.

*** CAG Action**

All CAG members present and voting supported a seconded motion asking the CAG to write to the County Board of Health to encourage it to do all within its powers to secure necessary medical and environmental monitoring, screening, and treatment programs with all deliberate speed.

County Report

Commissioner Rita Windom reported on actions by the County since the last CAG meeting. Ms. Windom began by complimenting EPA for an excellent conference. She then stated that in response to the CAG's letter and petitions received from the Lincoln County Council on Aging, all three County Commissioners signed a September 27 letter to W.R. Grace urging the company to consider the proposal for allowing EPA to haul contaminated materials collected from the clean-up efforts to the mine site as the best alternative for disposal of the materials.

County Advisory and Planning Board Proposal

The CAG discussed the proposal for an advisory and planning board proposed by the County to advise it on issues of public concern and to identify solutions for the asbestos problem in four areas: medical trust, cleanup and monitoring, economic impacts, and research. Some CAG members expressed two concerns with the proposal, that the advisory board would not address compensation for victims now and in the future, and that actions of the County might somehow damage the position of the victims in seeking recovery via lawsuits against W.R. Grace. One example cited was the possibility that a County established medical trust to fund long-term medical care might preclude victims from getting money up front from W.R. Grace.

CAG Member Question - Will the County hire a law firm to assist it in addressing the asbestos issues?

Answer - Yes.

CAG Member Question - Will the County adopt an ordinance to address the asbestos issues?

Answer - Possibly.

CAG Member Question - Would the County bring a proposed ordinance to the CAG and the public for comment and approval?

Answer - Yes, the County would seek the views of the CAG and the public of any such ordinance.

Audience Member Comment - Coordination is needed between the County and victims' law firms to ensure no loss of rights by the victims.

Response - The County agrees.

*** CAG Action**

With the two concerns noted above acknowledged, all CAG members present and voting supported a seconded motion supporting the County's proposed advisory and planning board as a starting point for community consideration.

Meeting Schedule

The CAG agreed to meet only once during each of the next three months, on Thursday, October 12, Wednesday, November 1, and Thursday, December 14, 2000.

Next Meeting

The next meeting is scheduled for Thursday, October 12, 2000 from 7 to 9:00 p.m. in the Ponderosa Room of the Libby City Hall.

Appendix 1
CAG Member Attendance List
September 14, 2000

Members	Group/Organization Represented
Robert Foote	Libby Council of Churches
Clinton Maynard	Libby Resident
K.W. Maki	Libby Schools
Gayla Benefield	LCAVRO
Leroy Thom	Former W.R. Grace Employee
Norita Skramstad	Asbestos Victim
Wendy Thomi	EPA Community Involvement
David F. Latham	The Montanian
Brad Black	Lincoln County Health Officer
George Bauer	City of Libby
Bob Dedrich	Asbestos Victim
Dan Strausbaugh	Montana Representative of ATSDR
Wilbur Wilson	County Council on Aging
Rick Palagi	St. Johns Lutheran Hospital
Commissioner John Konzen	Lincoln County
Commissioner Rita Windom	Lincoln County
Sandy Wagner	Libby Resident
Grayson Casey	Kootenai Homes and Land
Kerry Beasley	St. Johns Lutheran Hospital

Appendix 2

GRACE

**W.R. Grace & Co.
317 Mineral Ave.
P.O. Box 695
Libby, Mt. 59923**

**Tel: 406 293 3964
Fax: 406 293 3749**

September 27, 2000

Libby Community Advisory Group
c/o Gerald Mueller
CAG Facilitator
7165 Old Grant Creek Road
Missoula, Mont. 59808

Dear Mr. Mueller:

Thank you for your letter of Sept. 21 requesting that Grace give the EPA the access to the former mine site it has requested.

As you know, this issue has been portrayed by some and repeated in the news media as a simple case of Grace dragging its feet. In fact, there are several important issues - two of which are central - that must be resolved with the EPA before access to the mine can be granted.

First, there is the question of what, if any, chemicals contaminate the soil the EPA proposes to dump at the former mine site. Since the screening property was a working nursery for the last six years, we assume that some horticultural chemicals were spilled and soaked into the soil. The EPA has not told us differently.

This question was first raised after the EPA forwarded to Grace and Kootenai Development Company, the owners of the mine property, a 21/2-page inventory detailing thousands of pounds of fertilizers, pesticides, fungicides and other horticultural chemicals stored on the site.

This is an important issue because the danger exists that these chemicals could find their way into the local waters. I hope we can agree that nobody wants that to happen.

Second, we must know who is responsible for the safety of the workers that will be moving the dirt from the old screening plant to the former mine, if access is granted. We believe that the EPA should take full responsibility for the safety of its contractors, no matter whose property they are on.

There is a misunderstanding in your letter that needs to be corrected. Grace has no control over the screening plant- in fact Grace is barred from entering that property. As a result, the EPA and its contractors are cleaning up that site and will be responsible for moving the soil to the designated dump.

We have tried to negotiate these issues with the EPA, but failed. We are open to restarting negotiations, and prefer that course, but are prepared to meet the EPA in court if we must. We do not believe that a court hearing is in anyone's best interest.

We realize that the cleanup is a source of frustration for many people and we, like everybody else, want to see this brought to speedy conclusion. As evidence of our commitment, I point to the former export site where Grace is in charge of the cleanup. Two of the five buildings have been cleaned to the EPA's satisfaction, Millwork West will move to its new site this weekend, and the entire cleanup should be concluded before year's end.

If you have any other questions, please feel free to contact me.

Sincerely,
Alan Stringer